



## UNITED STATES PATENT AND TRADEMARK OFFICE

Technology Center 1700

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In re application of  
Calvin T. Gabriel al  
Serial No. 09/887,165

: DECISION ON  
: PETITION

Filed: June 25, 2001

:

For: N-CONTAINING PLASMA ETCH PROCESS WITH REDUCED  
RESIST POISONING :

This is a response to the PETITION FOR RECONSIDERATION OF HOLDING OF ABANDONMENT, filed October 02, 2003. The petition requests that the abandonment, as set forth in the Notice of Abandonment of April 07, 2003, for failure to timely file a proper response to the Office letter dated October 03, 2002 be withdrawn. The petitioner asserts that the Office letter of October 03, 2002 was not received by applicants.

### DECISION

The instant request is accepted as a petition under 37 C.F.R. 1.181 (no fee), and is evaluated under the procedures regarding an acceptable showing of non-receipt of an office action. See MPEP 711.03(c)(II).

The evidence presented is sufficient to establish that the Office letter of October 03, 2002 was not received by petitioner. The evidence provided includes a statement by the petitioner that the Office letter of October 03, 2002 was not received, a statement that a search of the file and docket records was made, and a statement that the search revealed the Office letter of October 03, 2002 was not received. Also provided are a copy of the attorney's automated docket of the Docketing Department and copies of the pages from the docket book of the attorney's secretary for the due date of January 03, 2003, where the instant application 09/887,165 would have appeared had the Office letter of October 03, 2002 been timely received.



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Therefore, the abandonment dated April 07, 2003 was in error. A review of the instant application file indicates that this error was administratively corrected via Notice of Rescinded Abandonment dated March 01, 2004. Therefore, no further action is required.

The Petition is **DISMISSED**.

*Jacqueline Stone*

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